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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,057	07/30/2008	Tomohiro Fujiki	4812-003	9652
23429 7590 09/30/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER MC'CARRY JR, ROBERT J				
ART UNIT 3617		PAPER NUMBER		
MAIL DATE 09/30/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,057

Applicant(s)

FUJIKI ET AL.

Examiner

ROBERT J. MCCARRY JR

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date: 9/7/10, 9/10/08, 8/16/06

DETAILED ACTION

The Information Disclosure Statements filed on August 16, 2006, September 10, 2008 and September 7, 2010 have been considered by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 7-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi (JP 2004131008A).

Yamaguchi discloses a fence assembly mounted on a railway platform comprised of a plurality of posts 40 positioned along the platform. Each post 40 has openings on either side to allow movement of panels 50 through the post to extend to either side of the post. This is shown in the series of figures 1-3 which show various positions of the doors relative to the post. The doors 50 are wider than the width of the post, also shown in figures 1-3. The doors 50 are capable of blocking access from the platform to the tracks and open to allow access to railcars based on the position of the railcars and the doors of the railcars along the platform. Figures 4-6 show the relation between the railcar and the fence assembly with regards to the position of the doors of

the railcars. The movement of the doors 50 is actuated by a rack and pinion system, shown in figure 7, positioned in each post 40 of the fence assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (JP 2004131008A) in view of Kawabata (EP 1386813).

Yamaguchi discloses the fence assembly as described above. However, Yamaguchi does not specifically show a signaling and control system between the fence assembly and the approaching railcars. Kawabata discloses a platform door control system comprised of a plurality of doors placed along the platform to restrict access from the platform to the railway. The system is further comprised of a command transmission system where the door assembly on the platform receives commands from the approaching train with information regarding the position of the train doors. An "OPEN" command is transmitted from the train to the platform doors, the formation information of the train is also transmitted to each individual control apparatus to change the moving distance for opening and closing of the gates at each platform door. It would have been obvious to one of ordinary skill in the art to have applied a control system, like that of Kawabata, to a fence assembly, like that of Yamaguchi, with the expected result of increasing the efficiency of the fence assembly thereby allowing the doors of

the fence assembly to be properly opened and matched with the doors of the railcar in order to quickly and efficiently allow passengers to depart from the train and also board the train.

Regarding the method of opening and closing a fence assembly on a railway platform; the combination above shows a fence assembly utilizing a control system to open and close the doors of the fence assembly. It would have been obvious to one of ordinary skill in the art to come to the expected result that since the combination above shows the same apparatus, that it would be operated utilizing the same method.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (JP 2004131008A).

Claims 5 and 6 recite the use of a roll curtain and an accordion curtain utilized for the door of the fence assembly. Yamaguchi discloses a solid sliding door and does not specifically show a roll curtain or accordion curtain. It is well known in the art to one of ordinary skill in the art that roll curtains and accordion curtains can be interpreted as functional equivalents. Therefore it would have been obvious to one of ordinary skill in the art to come to the expected result that the solid door could be replaced with a roll curtain or accordion curtain depending on the type of station the fence will be installed with the expected result of reducing damage to the door assembly and therefore reducing maintenance costs.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (JP 2004131008A).

Claim 13 recites the placement of the posts of the fence assembly in a zigzag pattern along the platform. Yamaguchi discloses the posts to be aligned in a straight pattern along the platform and does not specifically state the posts to be in a zigzag pattern. It would have been an obvious design choice to one of ordinary skill in the art to have positioned the posts in a zigzag pattern based on the size and type of railway station with the expected result of controlling and maximizing the traffic flow of passengers especially at high travel times during the day.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malkmus (EP0134824), Han (US 20080098924), Losito (US 20100180790) and Burgess (US 7,721,653) all disclose various types of gates for railway platforms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. MCCARRY JR whose telephone number is (571)272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617

/R. J. McCarry Jr./
Examiner, Art Unit 3617

RJM
September 16, 2010